

### **REMARKS**

Favorable reconsideration of this application is respectfully requested in view of the foregoing amendments and the following remarks.

Claims 1, 3, 5, 6, 8 and 10 have been amended hereby. No new matter has been entered. Thus, claims 1, 3, 5, 6, 8 and 10 are pending in the instant application, of which claims 1, 3, 5, 6, 8 and 10 are independent.

### **Noted - IDS Considered**

The indication (see Examiner-initialed forms mailed with Office Action dated November 19, 2009) that the Information Disclosure Statement (IDS) as filed on June 15, 2009 and references listed therein have been considered is noted with appreciation.

### **Claim Rejections Under 35 U.S.C. §112**

Claims 1, 3, 5-6, 8 and 10 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite. By the foregoing amendments, the claims have been amended to more particularly point out and distinctly claim their subject matter. Accordingly, withdrawal of the rejection is respectfully requested.

Claims 3, 5, 8 and 10 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. By the foregoing amendments, the claims have been amended to contain subject matter which was described in the specification. Accordingly, withdrawal of the rejection is respectfully requested.

### **Claim Rejection Under 35 U.S.C. §103**

Claims 1, 3, 5-6, 8 and 10 are rejected under 35 U.S.C. §103(a) as being unpatentable over GOPALAN et al. (US 2003/0176934 A1) hereinafter referenced as GOPALAN in view of WU et al. ("Fragile speech watermarking based on exponential scale quantization for temper detection", Acoustics, Speech, and Signal Processing, 2002, Proceeding IEEE international conference) hereinafter referenced as WU.

### **INDEPENDENT CLAIMS 1 and 5**

As an example, independent claims 1 and 5 respectively recite (among other things) a feature of "a unit to provide the embedding judgment unit with the speech codes passed through the embedding unit, wherein the embedding judgment unit uses at least one of the speech codes as the past speech code". As will be explained below, at least the feature of claims 1 and 5 are a distinction over each of GOPALAN and WU, and thus over their combination.

GOPALAN do not teach or suggest that a unit that provides the embedding judgment unit with the speech codes passed through the embedding unit and the embedding judgment unit uses at least one of the speech codes as the past speech code. Hence, the noted feature of claims 1 and 5, namely "a unit to provide the embedding judgment unit with the speech codes passed through the embedding unit, wherein the embedding judgment unit uses at least one of the speech codes as the past speech code", is a distinction over GOPALAN.

WU also fails to teach or suggest the noted feature of claims 1 and 5.

Hence, the noted feature of claims 1 and 5 is a distinction over WU.

Among other things, a *prima facie* case of obviousness must establish that the asserted combination of references teaches or suggests each and every element of the claimed invention. In view of the distinction of claims 1 and 5 noted above, at least one claimed element is not present in the asserted combination of references. Hence, the Office Action fails to establish a *prima facie* case of obviousness vis-à-vis claims 1 and 5.

### **INDEPENDENT CLAIM 3**

As an example, an independent claim 3 recites (among other things) features of "a reception unit to receive speech codes including a speech code containing embedded data; an extraction judgment unit to, for every speech code, which is received by the reception unit, judge whether or not data is being embedded in a speech code based on a liner spectrum pair (LSP) code, a pitch lag code, a fixed code and a gain code included in a past speech code, which is one of the speech codes received by the reception unit before reception of the speech code". As will be explained below, at least the features of claim 3 are a distinction over each of GOPALAN and WU, and thus over their combination.

GOPALAN do not teach or suggest that a reception unit receives speech codes including a speech code containing embedded data and an extraction judgment unit to, for every speech code, which is received by the reception unit, judge whether or not data is being embedded in a speech code based on a liner spectrum pair (LSP) code, a pitch lag code, a fixed code and a gain code included in a past speech code, which is one of the speech codes received by the reception unit before reception of the speech code.

Hence, the noted features of claim 3, namely “a reception unit to receive speech codes including a speech code containing embedded data; an extraction judgment unit to, for every speech code, which is received by the reception unit, judge whether or not data is being embedded in a speech code based on a liner spectrum pair (LSP) code, a pitch lag code, a fixed code and a gain code included in a past speech code, which is one of the speech codes received by the reception unit before reception of the speech code”; are a distinction over GOPALAN.

WU also fails to teach or suggest the noted features of claim 3. Hence, the noted features of claims 3 are a distinction over WU.

Among other things, a *prima facie* case of obviousness must establish that the asserted combination of references teaches or suggests each and every element of the claimed invention. In view of the distinction of claim 3 noted above, at least one claimed element is not present in the asserted combination of references. Hence, the Office Action fails to establish a *prima facie* case of obviousness vis-à-vis claim 3.

#### **INDEPENDENT CLAIMS 6 and 10**

As an example, independent claims 6 and 10 respectively recite (among other things) a feature of “providing the judging processing with speech codes including a first speech code, which has been outputted from the CELP decoder and data have been embedded by the embedding processing and a second speech code, which has been outputted from the CELP decoder and no data have been embedded by the embedding processing, wherein the judging processing uses at least one of the speech codes as the past speech code”. As

will be explained below, at least the feature of claims 6 and 10 is a distinction over each of GOPALAN and WU, and thus over their combination.

GOPALAN do not teach or suggest that speech codes including a first speech code, which has been outputted from the CELP decoder and data have been embedded by the embedding processing and a second speech code, which has been outputted from the CELP decoder and no data have been embedded by the embedding processing are provided to the judging processing, so that the judging processing uses at least one of the speech codes as the past speech code. Hence, the noted feature of claims 6 and 10, namely " providing the judging processing with speech codes including a first speech code, which has been outputted from the CELP decoder and data have been embedded by the embedding processing and a second speech code, which has been outputted from the CELP decoder and no data have been embedded by the embedding processing, wherein the judging processing uses at least one of the speech codes as the past speech code", is a distinction over GOPALAN.

WU also fails to teach or suggest the noted feature of claims 6 and 10. Hence, the noted feature of claims 6 and 10 is a distinction over WU.

Among other things, a *prima facie* case of obviousness must establish that the asserted combination of references teaches or suggests each and every element of the claimed invention. In view of the distinction of claim 6 noted above, at least one claimed element is not present in the asserted combination of references. Hence, the Office Action fails to establish a *prima facie* case of obviousness vis-à-vis claims 6 and 10.

### **INDEPENDENT CLAIM 8**

As an example, an independent claim 8 recites (among other things) a feature of "receiving speech codes including a speech code containing embedded data; judging, for every speech code, which is received by the receiving, whether or not data is being embedded in a speech code based on a liner spectrum pair (LSP) code, a pitch lag code, a fixed code and a gain code included in a past speech code, which is one of the speech codes received by the receiving before reception of the speech code". As will be explained below, at least the features of claim 8 is a distinction over each of GOPALAN and WU, and thus over their combination.

GOPALAN fails to teach or suggest that "receiving speech codes including a speech code containing embedded data; judging, for every speech code, which is received by the receiving, whether or not data is being embedded in a speech code based on a liner spectrum pair (LSP) code, a pitch lag code, a fixed code and a gain code included in a past speech code, which is one of the speech codes received by the receiving before reception of the speech code". Hence, the noted features of claim 8 are a distinction over GOPALAN.

WU also fails to teach or suggest the noted features of claim 8. Hence, the noted features of claim 8 are a distinction over WU.

Among other things, a *prima facie* case of obviousness must establish that the asserted combination of references teaches or suggests each and every element of the claimed invention. In view of the distinction of claim 8 noted above, at least one claimed element is not present in the asserted combination of references. Hence, the Office Action fails to establish a *prima facie* case of

obviousness vis-à-vis claims 8 and 10.

In view of the foregoing discussion, the rejection of claims 1, 3, 5-6, 8 and 10 is improper. Accordingly, withdrawal of the rejection is respectfully requested.

### **Conclusion**

In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited.

Should the Examiner believe that a telephone conference with the undersigned would assist in resolving any issues pertaining to the allowability of the above-identified application, please contact the undersigned at the telephone number listed below.

Please grant any required extensions of time and charge any fees due in connection with this request to deposit account no. 50-1290.

Respectfully submitted,

/Pedro C. Fernandez/

Pedro C. Fernandez

Reg. No. 41,741

**CUSTOMER NUMBER 026304**

Telephone: (212) 940-6311

Fax: (212) 940-8986

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